

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION

OLAN ROGER GLASSCOCK, #12822-078 §

VS. § CIVIL ACTION NO. 6:06cv415

WILLIAM McGHEE, ET AL. §

ORDER OF DISMISSAL

Plaintiff Olan Roger Glasscock, an inmate previously confined at the Henderson County Jail, proceeding *pro se* and *in forma pauperis*, filed this civil rights lawsuit pursuant to 42 U.S.C. § 1983. The complaint was referred to United States Magistrate Judge Judith K. Guthrie, who issued a Report and Recommendation concluding that the lawsuit should be dismissed without prejudice for failure to prosecute. The Plaintiff has filed objections.

The Report of the Magistrate Judge, which contains her proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and having made a *de novo* review of the objections raised by the Plaintiff to the Report, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and the objections of the Plaintiff are without merit. A recommendation was made to dismiss the lawsuit because the Plaintiff failed to pay an initial partial filing fee of \$11.16. In his objections, the Plaintiff complained that he was told he had to pay the \$11.16 partial filing fee, even though he was granted *in forma pauperis* status. He added that he does not have money to pay the initial

partial filing fee. His objections lack merit. The Initial Partial Filing Fee Order clearly explained that the granting of *in forma pauperis* status did not relieve him from paying the initial partial filing fee and the responsibility of paying the entire \$350. Instead, the grant of *in forma pauperis* status merely excused him from having to prepay the entire filing fee. Furthermore, the Plaintiff did not provide any support for his statement he could not pay the initial partial filing fee. The last financial statement provided by him was dated December 26, 2006, which revealed that he had a balance of \$185.21 in his Gregg County Trust Fund Account. He clearly had the money to pay the initial partial filing fee at that time. The Plaintiff may not be excused for failing to pay the initial partial filing fee in this case. The Court would add that the Plaintiff has routinely failed to prosecute this case in that he repeatedly failed to comply with orders or failed to keep the Court promptly informed as to his whereabouts. Therefore the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of the Court. It is accordingly

**ORDERED** that the cause of action is **DISMISSED** without prejudice for failure to prosecute. Fed. R. Civ. P. 41(b); Rule 41, Local Rules for the Eastern District of Texas. All motions by either party not previously ruled on are hereby **DENIED**.

**So ORDERED and SIGNED this 26th day of February, 2007.**

A handwritten signature in black ink, appearing to read 'Leonard Davis', written over a horizontal line.

**LEONARD DAVIS**  
**UNITED STATES DISTRICT JUDGE**